UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
515 RUSK AVENUE
HOUSTON, TEXAS 77002

United States Courts
Southern District of Texas
FILED

JUL 31 2014

David J. Bradley, Clerk of Court

IN THE MATTER OF

THERESA MICHAEL NEXT FRIEND J.M. ET AL

V.

NORTH FOREST ISD VICTOR NASH, KATRINA BURNSIDE
NICHOLE HINES ET AL

CASE NUMBER
4:2013cv03147

EMERGENCY MOTION TO RESCIND MEDIATION AGREEMENT

TO THE HONORABLE JUDGE:

I, Theresa Michael, respectfully request he Mediation agreement dated July 28, 2014 be rescinded since it is not in the best interest of my child. It was entered into under duress and after several hours of being informed of how my child would end up with absolutely nothing. I did my best to help my child and substantiate the harm done to her when the school district would not act. I hope I have acted in time and must trust the Court to act in the best interests of my child prior to an entry of judgement.
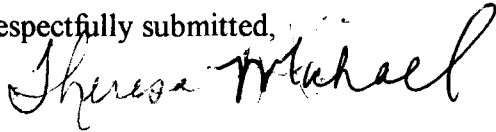
BASIS TO RESCIND MEDIATION AGREEMENT

1. The final mediation document was not read through and explained. It was presented for signature.
2. I, Theresa Michael, requested a settlement that would reflect compensation for the emotional and psychological and delayed interventions for my child. J.M. will likely be an adult with ADHD.
3. The consideration of the insurance company refusal and recovery of an inadequate amount that still allowed attorney cost recovery was antecedent to recovery for J.M. and her family. Advocacy for J.M. remained silent and nonexistent. As her mother, I have failed. I enlisted my sister's help. We pray that this Court can be an more effective and stronger while advocating for my daughter.
4. I, Theresa Michael, incurred at least 40K in medical bills while performing the investigation in 2011 I had to initiate on my daughter's behalf that the school would not do with its resources among other expenses and damages. These hardshjps hindered my ability to address the increased and realized needs of my child. The mediated settlement agreement does not mitigate these hardships
5. I initiated the CPS investigation and sought assistance from several law enforcement agencies to include Harris County Constable Precinct 3 that was instrumental in getting the case to the Harris County District Attorney. The Constable made contact with NFISD police department asking to investigate the parents' complaints. They were informed that nothing would be done and ridiculed. The Constable's officer submitted the parents' complaints to Harris County District attorney's office.
6. I had blood clots in my lungs and faced amputation and death while we waited for resolution of this matter. For my child to not be put right in my mind would be tragic and irresponsible. I have done all I could do and sought all the help I could enlist. I must set aside my pride and submit to the mercy of the Court for my daughter's benefit.
7. If the Court deems it appropriate and necessary, Plaintiff willing to have Court consider paying the amount the current Counsel was to receive from the settlement agreement it procured. Plaintiff seeks just compensation for her daughters injuries and needed resources to meet her needs.

This motion was prepared by Stephanie Michael, J.M.'s aunt upon Theresa Michael's request. I have tried to prepare this document so that my sister's concerns would be stated and to the Honorable Judge more concisely. It was explained to us that the Court would have to approve the mediation settlement agreement. It is respectfully requested that this document be considered. Plaintiff will cooperate in any way necessary to promote judicial effectiveness and efficiency

Plaintiff seeks this Honorable Court to provide proper relief as deemed appropriate and necessary in this matter.

Respectfully submitted,

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Mother of J.M.

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Aunt of J.M.